



ADOT Environmental Planning Group Biology Team Process

On-Call Presentation

October 2006

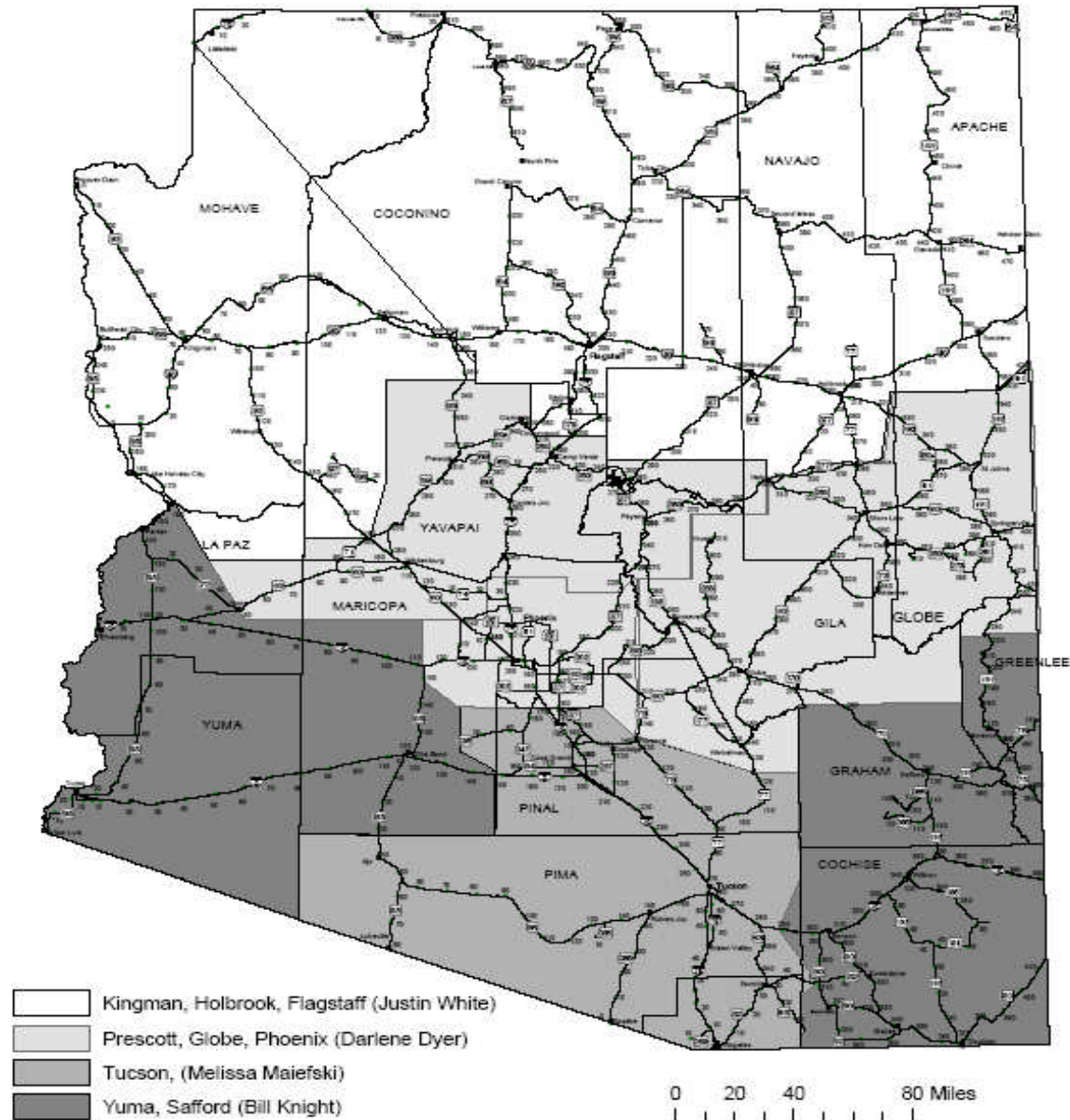


Biology Process Presentation

- **Inform new on-call consultants of biology considerations taken on ADOT projects and in the process:**
 - Discuss how biology fits in the schedule
 - What can the on-call do to make sure a project remains on schedule
 - Discuss common mistakes on Biology and ADOT projects



Biology Regions by Engineering Districts



Environmental Laws Applicable to ADOT and the Biology Team Process

Partial list of Federal and State laws

- *Endangered Species Act*
- *Clean Water Act*
- *Migratory Bird Treaty Act*
- *National Environmental Policy Act*
- *Fish and Wildlife Coordination Act* – impact mitigation to wildlife resources.
- *Arizona Game & Fish Conservation & Management* – requires coordination with Arizona Game & Fish Department on potential impacts to fish & wildlife.
- *Arizona Native Plant Law* – salvage permits required for removal and salvage of protected species.
- Various Federal Land Management Plans – many times these identify sensitive species
- Executive Order 13112 on Invasive Species



Biology Team Reviews and Coordinates

- Threatened and Endangered Species
- Sensitive Species (Tribal and Federal)
- Arizona Species of Concern
 - Special Status Species
 - Protected Native Plants
- Invasive Species
- Wetland and Riparian Areas



Biology Documents

Biological Review (BR)

Biological Evaluation (BE)

Biological Assessment and Evaluation (BA&E)

In-House Biology Clearance Memo (ADOT)

Note: Level of documentation
And survey effort is usually determined
in the PDS stage



Surveys – When do we do them and why?

- **General habitat evaluation surveys**
- **Species specific surveys**
- **Many Threatened and Endangered species have survey protocols.**
- **Note: Important - these should be determined at the PDS stage as well.**

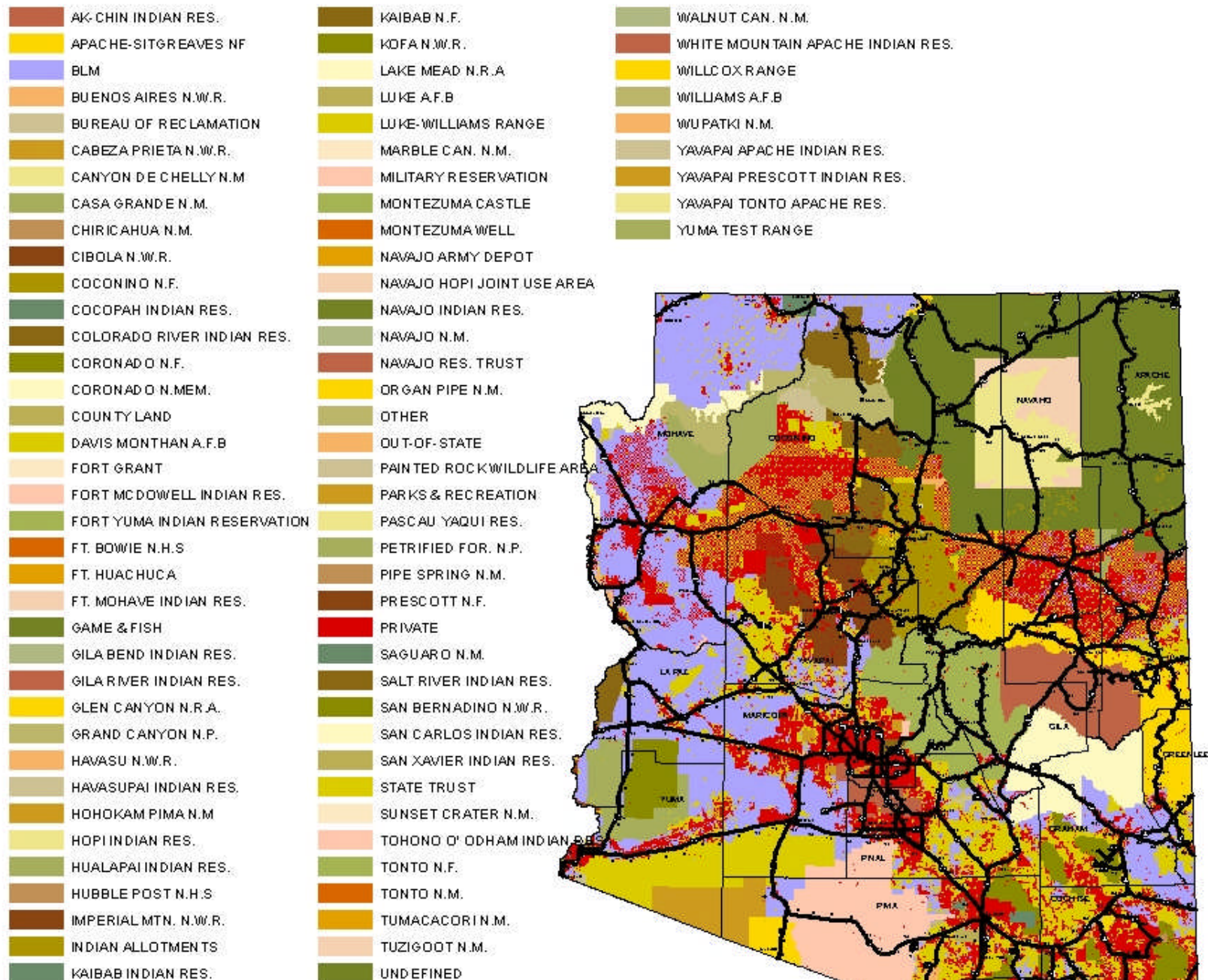


Sensitive Species

- **Coordination with adjacent land managing agencies is necessary.**
- **Most federal land managing agencies and tribes maintain a list of sensitive species**
- **Some Examples: Forest Service, BLM, National Park Service, Navajo Nation**
- **Policies and Procedures are not necessarily straightforward when addressing these species.**

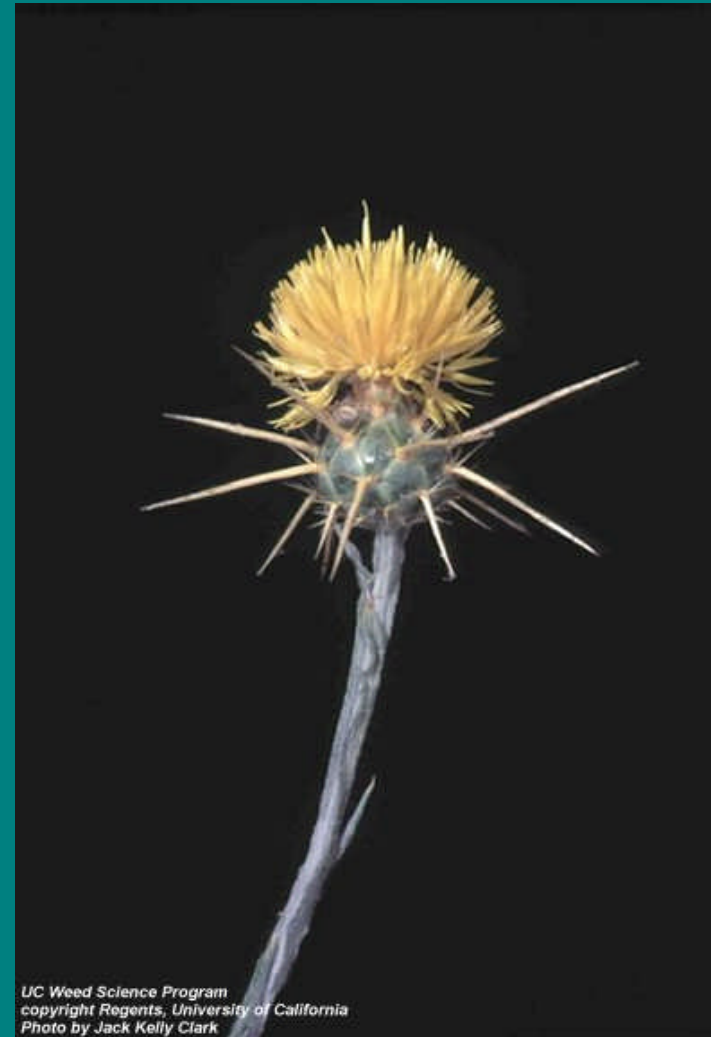


ARIZONA LAND OWNERSHIP



Invasive Species

- Based upon “Executive Order 13112” on invasive species, dated February 3, 1999.
- EEG coordination with Natural Resources
- Standard mitigation
- Non-standard mitigation



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Arizona Species of Concern



Special Status Species and
Protected Native Plants



- **Special status species**
 - **Game and Fish Scoping Guidance**
- **Protected Native Plants**

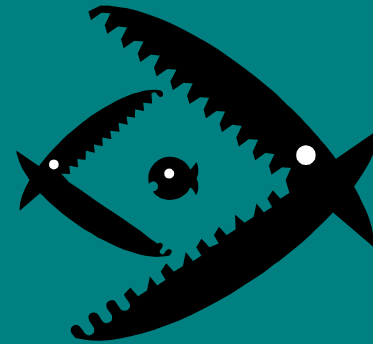
The Endangered Species Act

Threatened and Endangered Species



- ***Threatened***- means that a species is likely to become endangered if it is not protected.
- ***Endangered***- means that a species is in immediate danger of becoming extinct and needs protection to survive.
- **Candidates**- are those species for which the Fish and Wildlife Service has enough information on file to list as threatened or endangered, but listing has been precluded by other agency priorities.
- **Proposed**- species that have been proposed for listing as endangered or threatened but for which no final ruling by the Department of the Interior has been made.

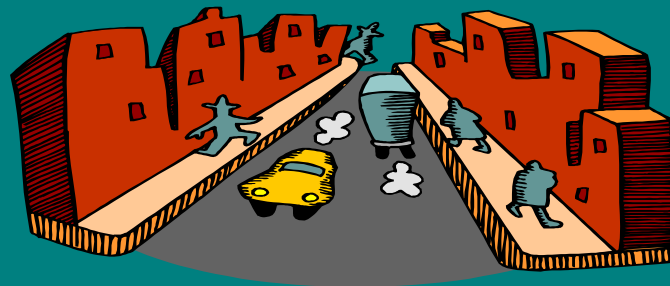
Threatened and Endangered Species Effect Determinations



- No effect
- May affect, not likely to adversely affect
- May affect, likely to adversely affect
- Jeopardy

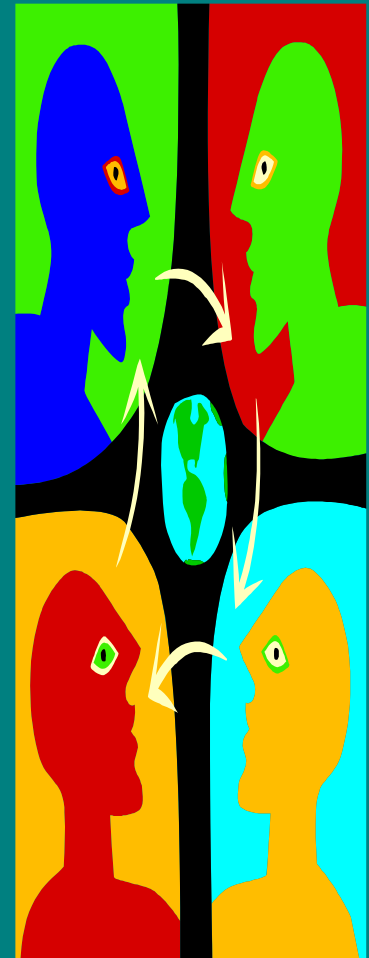
No Effect

- Most ADOT projects
- This is the appropriate conclusion when the action agency determines the proposed action will not affect a listed species or designated critical habitat
- USFWS does not require BE review. However, adjacent landowners such as the FS or BLM may still review.



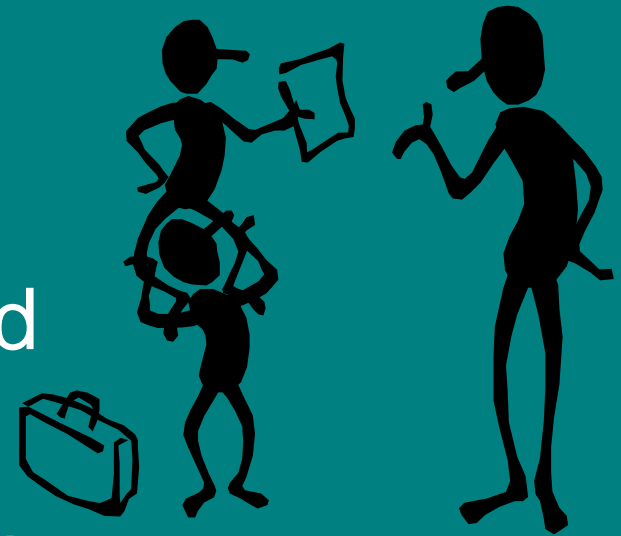
May Affect Not Likely to Adversely Affect

- Informal Consultation with USFWS and Federal agency or designated non-Federal representative is required
- This determination requires USFWS concurrence
- Once a BE has been submitted the USFWS has 30 days to provide a written response as to whether or not they concur with the determinations



May Affect, Likely to Adversely Affect

- Formal Consultation is required
- Biological Opinion is issued
- In many cases an incidental take statement is issued
- This process takes 135 days to complete



Biology Schedule

- **General Projects**
- **Projects with agency concurrence required – FS, BLM, Navajo**
- **What can the on-call NEPA planner do to make sure a project remains on schedule**

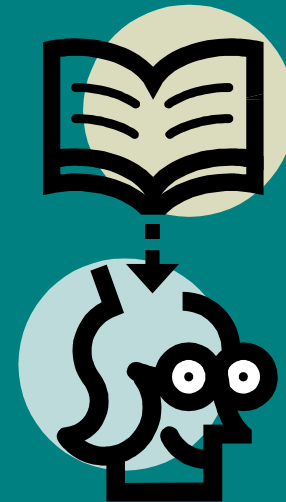
Document Reviews – Common Mistakes and Things to Consider

- Discuss the project in detail with the regional biologist prior to starting work
- Schedule field reviews and surveys for the appropriate time of year.
- Make sure the analysis matches the determination of affect
- Follow guidance! Call the regional biologist for questions or clarifications.

For further information please visit
adotenvironmental.com

Click on Guidance then
Click on Biological Evaluations

- **Biological Evaluations**
- **ADOT Biological Regions**
- **Biological Procedures**
- **Biological Scoping Guidelines**
- **Outline for Biological Evaluations**
- **Biological Review Form**
- **Noxious Weed Survey Request**
- **Geotechnical Investigation Biological Clearance Form**
- **Biology Process Flowchart**
- **Guidelines for Handling Sonoran Desert Tortoises**



Comments or Questions?

